

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Feb 07, 2023

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

EMANUEL MEJIA PRECIADO,

Petitioner,

v.

EASTERN STATE HOSPITAL,
Respondent.

No. 1:22-CV-03187-SAB

ORDER DISMISSING ACTION

On November 29, 2022, Petitioner, a person confined at the Eastern State Hospital, filed a *pro se* Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2241. ECF No. 1. Petitioner did not pay the filing fee or submit a completed Application to Proceed without Prepayment of Fees as required by Rule 3(a)(2), Rules Governing Section 2254 Cases in the United States District Courts.

By letter dated November 29, 2022, the Clerk of Court advised Petitioner of these deficiencies and provided him with the “Certificate” section of the application form to proceed without prepayment of fees to complete and return. ECF No. 3. Petitioner did not comply with the directives in the letter.

On January 5, 2023, this Court ordered Petitioner to submit a completed Application to Proceed without Prepayment of Fees within **twenty-one days**. ECF No. 4. In the alternative, Petitioner was advised that he could pay the full \$5.00 filing fee. *Id.* Petitioner was cautioned that his failure to do either would result in

1 the dismissal of this action. *Id.* Petitioner has neither paid the filing fee nor
2 returned the Application to Proceed without Prepayment of Fees by the due date of
3 January 26, 2023.

4 Accordingly, **IT IS ORDERED:**

- 5 1. This action is **DISMISSED WITHOUT PREJUDICE** for failure to
6 pay the filing fee or comply with the *in forma pauperis* requirements
7 of Rule 3(a) of the Rules Governing Section 2254 Cases in the United
8 State District Courts.
- 9 2. The Clerk of Court is directed to **ENTER JUDGEMENT** and
10 **CLOSE** the file.
- 11 3. The Court certifies that, pursuant to 28 U.S.C. § 1915(a)(3), an appeal
12 from this decision could not be taken in good faith and there is no
13 basis upon which to issue a certificate of appealability. *See* 28 U.S.C.
14 § 2253(c); Fed. R. App. P. 22(b). A certificate of appealability is
15 therefore **DENIED**.

16 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order
17 and provide copies to Petitioner at his last known address.

18 **DATED** this 7th day of February 2023.



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A handwritten signature in blue ink, reading "Stanley A. Bastian", is written over a horizontal line.

24 Stanley A. Bastian
25 Chief United States District Judge
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